

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<b>IN RE: PHILIPS RECALLED CPAP, BI- LEVEL PAP, AND MECHANICAL VENTILATOR PRODUCTS LITIGATION</b>	<b>: Master Docket: Misc. No. 21-mc-1230- JFC : MDL No. 3014 : MOTION TO DISMISS CONSOLIDATED AMENDED CLASS ACTION COMPLAINT FOR ECONOMIC LOSSES</b>
<b>This Document Relates to: All Actions</b>	

**DEFENDANT POLYMER TECHNOLOGIES, INC. MOTION TO DISMISS  
CONSOLIDATED THIRD AMENDED CLASS ACTION COMPLAINT FOR  
ECONOMIC LOSSES FOR FAILURE TO STATE A CLAIM**

Defendant Polymer Technologies, Inc. (hereinafter “PolyTech”), by and through its undersigned counsel Eric Scott Thompson and Franklin & Prokopik, P.C., and pursuant to Federal Rule of Civil Procedure 12(b)(6) hereby moves for this Honorable Court to Dismiss the *Consolidated Third Amended Class Action Complaint for Economic Losses* for Failure to State a Claim. The reasons for the foregoing motion are more fully set forth in Polymer Technologies’ Brief in support which is expressly incorporated herein by reference.

WHEREFORE, Defendant, Polymer Technologies, Inc. respectfully requests that the Court enter an order dismissing the *Consolidated Third Amended Class Action Complaint for Economic Losses* against it with prejudice and grant such other and further relief as the Court may deem just and proper.

Respectfully Submitted,

**FRANKLIN & PROKOPIK**

/s/ *Eric Scott Thompson*

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Dated: December 6, 2022